



KICTAnet

Online Discussions on
eCommunication Strategies for Regulators

eDiscussion Report

October 8th – October 23rd 2007

Acknowledgments

This eDiscussion on the electronic communication (eCommunication) strategies for Regulators was conducted within a politically significant time given the upcoming Kenyan elections. I must therefore acknowledge those Kenyans who managed to stay focused on this important topic as well as the international participants who managed to make valuable input to the eDiscussion. Also, I must acknowledge and thank KICTAnet (Kenya ICT Action Network) for facilitating yet another regional discussion on contemporary ICT issues.

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Executive Summary

Some of the existing communication tools such as Radio, TV, (Mobile) Telephony and Internet have matured and become relatively prevalent in society. This electronic discussion (eDiscussion) aimed to investigate how Information and Communications Regulatory bodies can take advantage of these electronic communication tools to improve on their service delivery and reach – particularly to the excluded members of society.

The fundamental and starting point for the discussion was establishing the stakeholders and understanding the role and function of the Regulator in order to investigate how and if those functions could be enhanced through the use of contemporary electronic tools. The Opportunities arising and the Threats facing Regulators as they adapt these tools (eRegulators) were reviewed alongside their current Challenges. Of particular importance, the type of eContent Regulators should be sharing with their stakeholders was comprehensively discussed.

It was found that the generic role of the Regulator was to enhance the socio-economic welfare of the citizens through facilitative regulation and oversight of the Information and Communication industry. The typical stakeholders included Consumers, Citizens, Telco-Operators, Service Providers (IT, Postal, Broadcast), and Associations.

Several Opportunities were identified that included using the Web, Radio, TV and Mobile phones to reach the stakeholders. The common cyber-threats such as Denial of Service attacks and Identity theft were discussed amongst others. The type of eContent Regulators and their stakeholders should be exchanging was established and categorised broadly as Industry-Statistical, Consumer-Oriented and Operator-Oriented data. These data would constitute the core part of the eCommunication strategies for the eRegulators.

It was revealed that the eRegulator was challenged in several ways when it came to electronically delivering the above data. First and foremost, some of the stakeholders (Operators) were less willing to submit the source data particularly the consumer-oriented type. Secondly, the Regulator may indeed have the (public) data but was compelled by other factors not to share it. Finally, some of the stakeholders could not access the data even if it was availed due to geo, social, technical or economic disadvantages.

Introduction

Background

Some of the existing communication tools such as Radio, TV, (Mobile) Telephony and Internet have matured and become relatively prevalent in society. This discussion explores how Regulatory bodies can take advantage of these electronic communication tools in improving on their service delivery and reach – particularly to the excluded members of society.

Program Setting & Description:

The discussion was largely based on the perspective of the Regulator as a corporate entity aiming to serve its customer base or stakeholders such as Operators, Consumers, Service Providers amongst others. Using the typical Regulatory objectives, participants were invited to brainstorm on electronic tools and methods the Regulator could use to serve them better.

Program Design (Data Collection, Data Processing)

Data Collection:

The Online Discussion was structured along the following themes that were discussed electronically over a period of 2 weeks according to the following schedule:

- What is the Role of Information Communication Regulators – 1day
 - Vision, Mission, Objective and functions
 - Customer Base (Public, Consumer, Operators, CSO, etc)
- How can Regulators utilise the Internet to achieve their objectives -5 days
 - What are the Opportunities & Threats that the Internet presents to Regulators?
 - What are the current web-based Challenges and Practices for Regulators?
 - What Content Should Regulators Provide Online?
- What are the available e-Communication Strategies for Regulators- 3days
 - What are the possible e-Tools that the Regulator can deploy in their Service Provision
 - How can Regulators use the e-Tools to enable synergies with Consumers, CSO and other players?
- Way Forward and Conclusions -1day.

Data Processing:

The various contributions from the Participants were analysed and collated into a Final report. This report seeks to inform Stakeholders, and in particular the Regulators on how they can leverage on modern communication technologies to improve on the delivery of their services.

Aim: To use Online tools as a means of investigating and discussing the ways and means of delivering regulatory functions electronically.

Objectives

The Objectives of the exercise included:

- Raising Awareness on the Role and Objectives of Information and Communications Regulators
- Establishing the Opportunities that Internet can provide in achieving Regulatory objectives
- Establish the Threats that Internet presents to eRegulatory functions
- Establish appropriate eCommunication Strategies & Practices for Regulators

Main Outcomes/Deliverables

The key outcomes of the exercise included:

1. Summarised eParticipants contributions
2. Final Report for subsequent submission to the Ministry of Information & Communication, the Regulator and other Stakeholders

Tools

Online Tools (email, listserver, internet)

Brainstorming Techniques/Aids.

Resources.

Moderator (Online)

Participants (Online)

Web Resources

http://www.cck.go.ke/role_of_cck/

<http://www.tcra.go.tz/about/profile.php>

http://www.mcmc.gov.my/mcmc/about_us/roles.asp

<http://www.regulateonline.org/content/view/354/69/>

<http://www.regulateonline.org/content/view/213/65/>

<http://www.lirneasia.net/projects/completed-projects/regulatory-web-survey>)

Listserver (KICTANet) archives

eDiscussion Proceedings (2 weeks Discussions)

Theme 1 – What is the Role of Information Communication Regulators – 1day

Planned Activities

- Establish Vision, Mission, Objective and functions
- Establish Customer Base (Public, Consumer, Operators, CSO, etc).

Contributions: Day 1 of 10 - What is the Role of Info&Communication Regulators.

1. J. Walubengo, the Moderator.

He welcomed participants to the discussion and said that the beginning point was to establish the role and objectives of a converged Regulator. Thereafter it would be easier to explore how eCommunications can assist in the delivery of those objectives. He presented the roles and objectives of selected Info & Communications Regulators namely Kenya, Tanzania & Malaysia as summarised below:

From the Kenyan Regulator (Communication Commission of Kenya, CCK)

CCK is committed to ensuring there is quality choice in the info-communications through effective licensing and regulation.

This responsibility translated to the following functions:

- Licensing (telecoms and postal/courier) operators
- Regulating tariffs for monopoly areas
- Establishing interconnection principles
- Type-approving communications equipment
- Managing the radio frequency spectrum
- Formulating telecommunication numbering schemes and assigning them to network operators; and
- Implementing Universal Service Obligation for both postal and telecommunication services.

From the Tanzanian Regulator (Tanzania Communications Regulatory Authority, TCRA)

TCRA is responsible for enhancing the welfare of Tanzanians through:

- Promotion of effective competition and economic efficiency;
- Protecting the interests of consumers;
- Promoting the availability of regulated services;
- Licensing and enforcing licence conditions of broadcasting, postal and Telecommunications operators
- Establishing standards for regulated goods and services
- Regulating rates and charges (tariffs);
- Managing the radio frequency spectrum;
- Monitoring the performance of the regulated sectors.

From the Malaysian Communications and Multimedia Commission (MCMC).

MCMC is to implement and promote the Government's national policy objectives for the communications and multimedia sector under the following broad terms:

Economic regulation: which includes the promotion of competition and prohibition of anti-competitive conduct, as well as the development and enforcement of access codes and standards. It also includes licensing, enforcement of license conditions for network and application providers and ensuring compliance to rules and performance/service quality.

Technical regulation: which includes efficient frequency spectrum assignment, the development and enforcement of technical codes and standards, and the administration of numbering and electronic addressing.

Consumer protection: which emphasises the empowerment of consumers while at the same time ensures adequate protection measures in areas such as dispute resolution, affordability of services and service availability.

Social regulation: which includes the twin areas of content development as well as content regulation; the latter includes the prohibition of offensive content as well as public education on content-related issues.

He then reminded participants that at the end of this particular thread, they should aim to highlight five key functions or roles the Converged Regulators should be playing and then use them as the reference points for building appropriate and corresponding eCommunication strategies.

Eric Osiakwan (Afrispa.org)

Eric said that one key role for Regulators is to be facilitative and provide benefit to the local industry. Regulators should see themselves as facilitators of the industry in the interest of the consumer and work towards helping the local industry to grow and innovate. He cited an example of one Regulator that intended to give all the licenses to indigenous local operators so that they could use it as a cash cow to trade with those terminating International Fiber traffic.

He added that another role should be the provision of Industrial oversight. This was because of the growing consensus on this point. Due to the rapid changes in technology, the regulatory regimes worldwide were changing and it was becoming clear that effective and efficient Regulators actually have oversight from industry. In order words they subjected their decisions and engagements to major industry input so that the decisions were consistent with technological evolution. This makes the Regulators facilitators rather than the bottleneck for growth and economic development.

Alice Munyua (KICTAnet)

Alice agreed with Eric's perspective particularly on Industrial oversight for Regulators. She then posed the following questions for participants considerations - How should regulators subject their decision and engagements to major industry input using communication technology? Are the regulators using existing information exchanged particularly from the Private sector? Is there a similar exchange with the Consumers particularly informing them of their rights and communication choices? In other words, how we can regulators use for example their websites in order to engage with their stakeholders?

John Walubengo (Moderator):

He thanked Eric for his previous views on the role and Alice for tying in the idea of who are the Regulators customers. He said that was important to put the roles and the target customers or stakeholders in perspective since from there it will be easier to discuss how the Regulator can best engage with their customer through the web or otherwise (eCommunications).

He listed the typical Regulator's Stakeholders as:

- Government
- Telco Operators
- IT & Broadcast Service Providers
- Postal Service Providers
- Consumers

Theme 2- How can Regulators use the Internet to achieve their objectives -5 days

Planned Activities

- What are the Opportunities & Threats that the internet presents to Regulators?
- What are the current web-based Challenges and Practices and for Regulators?
- What Content Should Regulators Provide Online?

Contributions: Day 2 of 10 – The Opportunities John Walubengo (Moderator)

He introduced the second theme by saying that given that participants had now an idea of the Role of Regulators and their target Customers, they could begin to think about the Opportunities that the Internet presents for delivering Regulatory services.

Assuming the Regulator was a business and wanted to give value to their customer using the Internet, how would they do it? Alternatively, you as a customer to the Regulator (Operator, Consumer, Government, etc), how do you think the Regulator can best serve you, using the internet?

In answering these questions, he asked participants to think along the following Marketing model:

1. Market Penetration: how can the Regulator use the Internet or other communication technologies to be closer to the Stakeholder (customer)?
2. Market Development: how can the Regulator use communication technologies to best reach new or EXCLUDED Stakeholders
3. Product Development: are there new ways the Regulator can deliver their old services (functions) over the web? Does the web facilitate provision of new or previously suppressed services?

Nancy Bosire (Kenya Private Sector Association)

Nancy had the following response on the above thread.

On Market Penetration: how can the Regulator use the Internet to be closer to you (customer)? - almost the same as what we have here that is using mailing lists and/or eForums

On Market Development: how can the Regulator best reach their EXCLUDED or ignored customers? – through decentralization of their offices and services.

Walubengo's contribution was as follows:

On Market Penetration: The Regulator could open up an e-forum where stakeholders could openly discuss industry issues. The Regulator can then harvest a lot of industry thinking from those discussion-logs and use them appropriately. They would therefore get to 'know' their customers better in order to serve them better (ofcourse some Regulators do feel they need NOT know their customers and so may not consider this a bright idea ;-)

On Market Development: Most ICT players and consumers are concentrated in urban centers. It would be interesting to see Regulators reaching new players and consumers in the rural centers using the web. Routine services like license applications, renewals and payments could be completed without visiting the capital cities where most Regulators are domiciled.

And on *Product Development:* New Regulatory e-Services may arise from the web. There could be ways new regulatory functionalities such as monitoring ISP/ASP webographics e.g. their bandwidth provisioning and utilization, the amount of spam they generate or simply mapping out the internet traffic patterns in the country)

Brian Longwe (AfrISPA)

Brian said he would prefer the Regulators use the "Pull" approach.

He cited the feedback from the Consultants who conducted the recent Internet Study (2007) commissioned by CCK - one of the hardest things to obtain was clear and accurate Internet tariffs and terms of service for the various products from ISPs/ASPs.

He said one way of using the Internet would be for Regulators to provide consumers with online interface/forms that would allow them to input what they (consumers) pay for the service they receive. It would of course be necessary to try as much as possible to make it an easy to use interface by using pulldown menus and checkboxes to allow users to select the type of service/duration of contract or term for which they pay (monthly, quarterly, annually etc) - this approach might yield better results.

Contributions: Day 3 of 10 – The Threats

John Walubengo (Moderator)

Walubengo said that it was necessary to say that this particular thread was not there to dissuade Regulators from going online but rather to ensure that as they do so after taking the necessary precautions. It is expected that once the Regulators put their services online, they would face the same challenges or threats as any other entity that gets online. These threats would revolve around the following:

Confidentiality: restricting data to the authorised person/entity

Integrity: ensuring that the stored data is not illegally modified

Availability: ensuring that online services are operational when and as required by the customers/stakeholders

Non-repudiability: ensuring that e-Transactions can be tracked back to the originator

He then invited participants to give their views.

Michuki Mwangi (Kenya Information Network Center, KENIC)

Michuki gave the background on what motivates hackers. He said hackers are driven by the need to conquer in order to have "bragging rights" with their peers. This elevates the hacker from a beginner and gives them access to various forums especially on Internet Relay Chats (IRC) where there's a lot of information and knowledge to be gained.

He added that there were three types of hackers namely, the black-hats, grey-hats and white-hats. Websites to the black-hats/grey-hats are like priced tokens. A place to harness their skills and every success earns them bragging rights amongst their peers. White-hats are known as ethical hackers and despised by the rest.

He cited several techniques that are used to break into websites ranging from remote file injection (RFI) into databases, defacing and Denial of Service attacks (DDoS). He said that the e-Regulators will attract attention and thus the information placed online would therefore require them to deploy advanced security features & systems to mitigate against these types of attacks.

The e-Regulators information can be "confidential information" hence up for sale to the highest bidder. While this maybe a little bit far fetched, but in a competitive environment and where the regulators are privy to some of this information from the service providers/bidders, your guess is as good as mine. Phishing & identity theft are major attractions of such websites.

One of the most important aspects of security is to understand that there still exists the social vulnerability aspect. This is by far the most difficult to safeguard against. Fortunately or unfortunately, most hackers were well aware of this vulnerability.

He concluded by saying that DDOS and Defacements impact socially on the organizations ability to provide the online services. They should never be ignored as the perpetrators can always leave back-doors into the system.

Contributions: Day 4 of 10 – The eContent Requirements

John Walubengo (Moderator)

He opened the new thread by saying that over the last week participants had reviewed the role of the converged Regulator, the internet opportunities and threats for e-Regulators and established the typical customers/stakeholders for Regulators as including:

- Consumers
- Telco Operators
- Postal & Courier Operators
- Internet/Application Service Providers (ISP/ASP)
- Media (Print & Broadcasting)
- Associations
- Public (individual)

He asked participants to figure out what kind of data or content they would wish to access on Regulator's websites. He added that it would be good if each group of stakeholders would list their top three items they would like the Regulator to avail electronically - even if it means in a password restricted manner.

Brian Longwe (African ISP Association, AfrISPA)

Brian felt that so far we were looking at the Content issue from a very one-sided perspective. One of the very important services that a regulator ought to provide is a way through which stakeholders can feed information INTO the Regulatory Agency.

He said he would rather rephrase the above questions and ask:

"What kind of data or content would stakeholders wish to access on Regulator's websites and/or what kind of data or content would stakeholders wish to submit via Regulator's websites"

The point was, he concluded, that Regulators are not just a source of information - they are also a conduit and a destination for the information.

Jonathan Somen (Telecommunications Service Providers of Kenya, TESPOK)

Jonathan said that one of the things that TESPOK was working on was a submission to CCK about information they feel should be made available to the public. TESPOK had not finalised this internally but will generally focus around information about frequency spectrum allocation as well as publishing information on market size, market penetration amongst others. He added that the slightly more contentious data would be the details of market share between Operators and customer numbers. He personally felt that this kind of content should be made available to the market or public. In conclusion, he added that some of the existing data (e.g. licensing categories) was not up-to-date and Regulators should have scheduled refresh times for their sites.

Alice Munyua (KICTAnet).

Alice mentioned that the local Regulator, CCK recently unveiled the CCK service charter that sets out public expectations when dealing with the Commission and its staff interchangeably. The charter is called "The Customer Service Charter" and outlines the rights, responsibilities and the procedure to follow if CCK service standards are not met.

She said the charter was on the CCK website which also included a 'consumer center' page. This page had some useful links e.g. how a consumer can make a complaint, what they need to know about telecoms services amongst others. She posed the question whether this was sufficient and recommended the following link of useful benchmarks (<http://www.regulateonline.org/content/view/354/69/>) for Latin American and Caribbean Regulatory Authority Websites.

Amy Mahan (LIRNE.NET Coordinator, Uruguay)

Amy added support for the CCK initiative saying that their website was surveyed by the World Dialogue on Regulation and it was considered the best practice Regulatory website in Africa. (<http://www.regulateonline.org/content/view/213/65/>)

However, she said that at the CCK site, the information on the Consumer Center page seemed overly formal. The tone and language of that section could be made a bit more user friendly with examples of complaints and the kind of documentation that would be required.

She added that in a recent study of the Uruguayan regulator, it was found that attention to consumer affairs was lacking on all levels (by the regulators, consumers and the private sector) simply because there was no historical tradition of a consumer movement in the country. One of the reports recommendations was for the regulator to work with the local consumer advocacy groups to strengthen them and make them a better resource for consumers. Developing a strong relationship with the consumer advocacy groups would also serve to lessen the burden on regulators in terms of improving communication and disseminating information to consumers via these groups.

Brian Longwe (AfrISPA)

Brian said that this was excellent wondered how this would assist those excluded communities particularly in the rural setting where Internet access is a big challenge. He said the key thing Regulators must practice is an OUTREACH program along the lines of the Indian Capital Market Authority who do frequent awareness programmes to the grassroot levels.. .

He said there was need to think outside the box and come up with creative ways of getting this e-content right into the hands of the consumers – in whatever settings they maybe. He said that maybe an E-Book with lots of pictures and sounds to help the layperson come to grips with the often abstract and confusing concepts that plague regulatory authorities would be a good start.

Fatma Bashir (CyberSchools)

Fatma said that assuming the Brian recommended Outreach program was successful; there would still be challenges such as making the information sites more user friendly. Another challenge would be awareness of channels of information, points of access, effective utilization, routing complaint to the correct recipient (e.g. service provider or regulator) and yet another will be monitoring of the response or lack of (i.e. did one's issue/request etc get responded to when and by who and what are the alternate/escalation procedures)?.

In terms of eContent, she cited the following as possible candidates:

Coverage space of the Service Providers, their Tarriffs, Subscriber base (market share) – categorized by region, provinces, etc, intended Coverage space over next given months, Regional partnerships and their footprints, Regional Customer service points, Links to Service Provider websites, Service Related Poll tool, Blogs amongst others.

Becky Wanjiku (KICTAnet)

Becky said that the Regulators can work with Radio Stations, Print media, and ensure that information available on their website as well as the Consumer rights are well communicated. Otherwise, it would be wrong to conclude that those who can chat or use email know about the important info regarding ICTs in the country or their rights and obligations for that matter.

Bill Kagai (MediaCorp Limited)

Bill said that Regulators wishing to deploy eServices should take time to educate their stakeholders about the mutual benefits anticipated. He cited the case of the Capital Market Authority (CMA), the Nairobi Stock Exchange Regulator, who had resistance from Investors who interrupted the automation of the stock market information exchange due to misplaced perceptions. Further, he said that the Regulators should re-structure or creatively disrupt their old procedures in order to support the new (electronic) ones. Otherwise, they risk having new electronic communication procedures and strategies that have will suffer a poor uptake.

Monica Kerretts-Makau (ICT Advisor, Government of Sudan)

Monica listed the following three items as typical eContent that would be useful from a Consumers point of view:

1. Type of complaints that have been received or type of issues one should look out for (e.g. common problems) and what one needs to do about them. That way one is aware of the key areas where the Operators and other Service Providers may be likely to fail on with the resulting benefit being that Operators may in turn avoid the failing on that particular score.
2. Comparative costing rates both for calls and other added services
3. An online 'What to do' in terms of making a user making a complaint and a feedback form which hopefully will be acted upon within a specified time-frame

Chanuka Wattegama (LIRNEasia.net)

Chanuka shared some useful findings from a study that benchmarked the National Telecom Regulatory Authority websites of Asia-Pacific Region. The study systematically benchmarked National Telecom Regulator websites in the Asia-Pacific region, evaluating their usefulness to telecom operators, investors, consumers, researchers and even the general public. Each website was awarded marks for the availability of information and features that were useful to the regulator's stakeholders. (More details: <http://www.lirneasia.net/projects/completed-projects/regulatory-web-survey>)

The main lessons from the Research are summarised below:

1. Out of the 62 Asia-Pacific National Regulatory Authorities (NRA) surveyed, only 33 had web sites. Which is only 53% of the NRAs and this raised the question of how far the NRAs have thought about communications.
2. Of those NRAs that had websites, very few had content relevant to end users or consumers. Only one site was consumer focused and went to the extent of reproducing every customer complaint and monitoring its resolution progress.
3. Most of the NRAs seemed not to present their website in a language spoken by the local majority, meaning that even if the content was relevant, its accessibility and usefulness was doubtful.
4. It was evident that some less advanced economies had availed a more comprehensive category of information shared compared to some of the advanced economies. This proved that the level of development had little to do with the intention to share information with public.

John Walubengo (Moderator)

He thanked Chanuka for the international perspective and asked him to clarify on the following points:

1. What Kind/Category of Information were the Asian Regulators sharing?
2. Was there provision for two-way electronic information exchange i.e. b/w the Stakeholders (the Customers) and the Regulators?
3. In areas where Internet penetration was low, was there an attempt to provide same information through other means?

Chanuka Wattegama (LIRNEasia.net)

In his response, Chanuka said the following:

1. What Kind/Category of Information were the Asian Regulators sharing?

Ideally these were the categories of information an NRA is expected to share with all of its stakeholders as described below:

- a. Factual Information: This includes telecommunications Acts, statistical indicators, etc.
- b. Consumer and Citizen Information: Information of interest to end-users or prospective end-users, about universal service, consumer rights (including reporting abuses) and tariffs. In addition to actual legislation and formal guidelines, FAQs, or frequently asked questions which are very important to consumers must be present and easily digestible to an ordinary citizen.
- c. Business Information: This relates to information required by current and prospective operators and investors such as licensing procedures, technical requirements, interconnection agreements, online forms for certification, authorization etc. Here it is necessary to look for information which explains and describes the procedures and requirements, rather than mere provision of access to formal documentation and legislation.
- d. Telecom regulatory news and other features to further disseminate information: This final category ensures accessibility of information, regulatory news and developments to researchers and journalists who can further disseminate regulatory information nationally and internationally. Often these features contextualize the site information and make it more intelligible.

2. Was there provision for two-way electronic information exchange i.e. between the Stakeholders (the Customers) and the Regulators?

Yes, This was available in several sites. Many sites gave the email addresses of the relevant officials to be contacted depending upon the type of the issue. However how efficient this system was, was not practically tested in the study. It is possible that the site give email addresses but then be silent about the queries.

3. In areas where Internet penetration was low, was there an attempt to provide same information through other means?

Sorry, this was beyond the scope of the study, and I have no knowledge on the other means. But my guess is if an NRA is willing to share information it always puts that on the web, before using other means. Put it another way do you think an NRA might not present relevant information on the site just because the Internet penetration is poor?

Contributions: Day 5&6 of 10 – The Challenges

John Walubengo (Moderator)

He thanked participants for their contributions so far - particularly those who had just made their "maiden" speeches. He then presented the days thread and said the focus would be on the barriers facing Regulators who wish to effectively deploy eCommunications with their customers. Assuming the relevant eContent had been developed and was available, what factors could inhibit its deployment?

He asked participants to use the old SLEPT approach for scanning the Macro-environment i.e. what are the Social, Legal, Economical, Political and Technological challenges inhibiting eCommunications for Regulators? Think both ways- from the Customer (Operator, Consumer, etc) and the Regulator perspectives.

Monica Kerretts-Makau

Monica felt that the biggest challenge for the eRegulator would be getting its stakeholders (customers) onto the Net and making them aware of the facilities available. She gave the successful example of the awareness campaigns the Kenya Revenue Authority (KRA) has done in ensuring everyone is really aware of -their website and service, saying this would be the way to go.

Judy Okite (KICTAnet)

Judy listed the following three points as the main challenges facing regulators attempting to deploy their services online:

1. Lack of e-Awareness: Does the consumer/customer have the basic knowledge on how retrieve and use the info on e-platform?
2. Lack of available and affordable e-infrastructure to reach every consumer/customer the regulator may wish to.
3. Lack of e-confidence: One hardly gets responses from companies when you try to correspond to them electronically.

John Walubengo

My contribution on challenges based on the SLEPT scanning include:

Social Barriers: Most Regulator customers (Operators, Consumers, etc) are not aware of how the Regulator can help/assist them. The ones that know, are often frustrated by the the 'official-dom' or beauracracies presented by most Regulators such that one would not where or how to communicate electronically or otherwise with them. **Legal Barriers:** Most jurisdictions don't have compelling legislation that empowers the Regulator's customers to demand and get certain information within reasonable periods of time. This was reflected in the IDRC research shared by Edith (time for Freedom of Information Act?)

Economical Barriers: Had no immediate thoughts at the time.

Political Barriers : Within emerging democracies, the theory of Regulatory Independence rarely gets to be practised. As such, Regulatory communication (electronic or otherwise) with Customers is hampered by the need to cross-check with the political 'God-fathers'

Technological Barriers: Communicating with Regulators could be hampered by lack of Telecommunication infrastructure (as mentioned by Judy O. and Brian). Even if the material was online - how many of the target group can access it?

Edith Adera (IDRC)

Edith said that she wanted to enrich the discussions by sharing the results of an IDRC Research study aimed at understanding consumer issues in the ICT sector and practical ways in which they could be addressed. The study was titled "holding companies to account" and its key recommendations from a consumer Information Requirement perspective included:

1. As operators become more established, Regulators need to shift their Emphasis from the industry part of their mandate to addressing the consumer interest more directly under the three sub-headings of Price of Service, Quality of Services and Access to Service.
2. Complaint resolution: Where it does not already occur, regulators need to ensure that a Code of Conduct (covering the rights and Responsibilities of consumers) is a condition of licence for operators, along with the obligation to publicise the existence of the Code of Conduct.
3. The Consumer function within the Regulator needs to be: properly resourced, managed at a senior level and have direct access to senior management
4. Serious consideration should be given Regulatory enforcement of compulsory disclosure by the Operators of accurate, comparable statistical information relating to the numbers and breakdown of customer complaints. While this is likely to be resisted by the companies concerned, and although careful formulation is necessary to ensure comparability and comprehensiveness, it would greatly incentivise customer responsiveness on the part of the companies.

However, she said, that one of the greatest challenges was getting complaint data from the operators for open analysis with the key question being - how can complaint data be declared public domain information? This would open a wide range of opportunities for accountability and redress.

Finally, she said the other Challenge would be that beyond making information available (even if it were provided directly to mobile phones), what practical avenues exist to redress complaints? Effective ways? What mechanisms would provide greater bargaining power for consumers?

Theme 3 – What are the available e-Communication Strategies for Regulators- 3days

Planned Activities

- What are the possible e-Tools that the Regulator can deploy in their Service Provision
- How can Regulators use the e-Tools to enable synergies with Consumers, CSO and other players?

Contributions: Day 7, 8, 9&10 of10: Available eCommunication Strategies for Regulators

John Walubengo (Moderator)

He informed participants that these were the final threads where they shall explore the various options the eRegulator can use to engage with their Stakeholders. The Key questions to consider include:

- What are the possible e-Tools that the Regulator can deploy in their Service Provision?
- How can Regulators use the e-Tools to enable synergies with Consumers, CSO and other players?
- Way Forward and Conclusions

John Walubengo (Moderator)

His contribution on the second point was that the Regulators should dedicate part of their website for eDiscussions. Providing a forum for stakeholders to discuss issues of the industry. it will then act a sounding board for the Regulators to review before making critical industry decisions

Badru Ntege (one2net.co.ug)

Badru felt that regulators need to "walk the talk", since they were regulating a fast moving industry that was changing the status quo when it comes to business and interactions with clients and suppliers. They need to embrace this phenomenon. He was not convinced that Regulators need to create their own discussion list, they simply needed to actively participate in the necessary forums like this (KICTAnet) one.

Brian Longwe (AfrISPA)

Brian felt that most of the discussions were constrained within the assumption (conscious or unconscious) that regulatory eContent and e-Communication was framed within a web-based paradigm. He said that there were other "e" forms of media/distribution/access that eRegulators could leverage on. Some of which he described below:

1. *Comic Book* - targetted towards helping semi-literate stakeholders to understand what regulation is, why regulators are needed and who their regulator is.

2 *E-Book* - all regulations in e-book format (a simple converter will do this from a word/PDF document). E-Books should also be downloadable from the 'net

3. *Radio programming* – Titled appropriately such as "know your regulator" – and could be delivered as series (4-6 weeks) and repeated twice a year

4. *TV programming* – Titled for example "Communications Regulation in Kenya" for a documentary type approach; "How to E" for a youth-oriented, more lively approach. In addition, interaction with local movie or soap producers so that the Regulator's roles and functions could be featured within a local domestic setting.

Evaluation & Feedback

Technical

This time around there was excellent technical reliability with no reported incident of technical failure.

eParticipants

During the eDiscussions, the KICTANet listserv had around 180 (one hundred and eighty) subscribers and but only about ten of them contributed actively to the eDiscussions. Most of them chose to participate passively by way of learning and digesting shared content.

Moderation

Moderation was quite challenging given that listservers are relatively rudimentary when it comes to electronic collaborative work. Furthermore, most of the contributions were not forthcoming possibly due to the shifted focus of the local community towards the forthcoming general elections and also because the topic was wrongly perceived to be a 'Regulatory' rather than 'Stakeholder' affair..

Conclusion/Lessons Learnt

The notice for the eDiscussion was quite short leading to a lesser number of participation. The topic of discussion was wrongly perceived by some members as being an 'Internal' Regulator's affair and hence their failure to contribute actively. Finally, the eminent general elections in Kenya and the occurrence of two local holidays compounded the contribution problem. However, it is necessary to note that the few contributors had deep insights on the issues discussed and it is hoped that these would be found useful by all stakeholders.

Appendices:

Appendix I – Glossary & Abbreviations

CSO: Civil Society Organisation

CCK: Communication Commission of Kenya

DoS: Denial of Service - an electronic attack launched by overwhelming an electronic resource with un-necessary packets.

DDoS: Distributed Denial of Service – a DoS launched from multiple origins.

eRegulator: electronic Regulator- any Regulator deploying most of their services online.

LIRNE: Learning Initiatives on Reforms for Network Economies

MCMC: Malaysian Communications and Multimedia Commission.

Thread: an electronic sub-topic within a discussion

TCRA: Tanzania Communications Regulatory Authority

Webographics: the collection and analysis of customer online behavior